

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

XBN, *et al.*,

Plaintiffs,

v.

KAWEAH HEALTH, *et al.*,

Defendants.

Case No. 1:23-cv-01453 JLT HBK
(Consolidated with No. 1:24-cv-00431 JLT HBK)

**ORDER DIRECTING CLERK OF COURT TO
ENTER JUDGMENT IN MEMBER CASE**

**ORDER GRANTING STIPULATED MOTION
FOR REMAND OF LEAD CASE (Doc. 40)**

In this consolidated¹ action, which was originally filed in the Superior Court of California for the County of Tulare, Plaintiffs Alondra Nunez and her son, XBN, allege one claim of negligence arising from injuries they allegedly sustained during the birth of XBN on September 1, 2021. (Doc. 1-1.) The United States moved for summary judgment, contending that Plaintiffs cannot adduce evidence in support of their claim, asserting generally that the deemed federal employee defendant and by extension her deemed federal employer took no actions that injured Plaintiffs. (*See XBN v. Kaweah Health, et al.*, E.D. Cal. No. 1:23-cv-01453-JLT-HBK, Doc. 34.) Plaintiffs did not oppose that motion, which the Court granted in an order issued March 3, 2025. (Doc. 38.) That order disposed of all claims against the

¹ *XBN v. Kaweah Health, et al.*, E.D. Cal. No. 1:23-cv-01453-JLT-HBK, filed originally in Tulare County Superior Court and removed to this Court, and *XBN v. United States*, E.D. Cal. No. 1:24-cv-00431-JLT-HBK, filed originally in this Court.

United States as well as all claims in member case *XBN v. United States*, E.D. Cal. No. 1:24-cv-00431-JLT-HBK.

The Court further ordered the parties to show cause why it should exercise supplemental jurisdiction over the remaining state law claims. (*Id.* at 2.) On March 25, 2025, Plaintiffs responded to the order to show cause, indicating non-opposition to the Court remanding the remaining claims back to state court *sua sponte*. (Doc. 39.) Simultaneously, Plaintiffs filed a motion to remand, which reveals therein that all remaining parties consent to remand. (Doc. 40.) Accordingly, the Court **ORDERS**:

(1) The Clerk of Court **SHALL** enter judgment in favor of the United States of America and against Plaintiffs in member case *XBN v. United States*, E.D. Cal. No. 1:24-cv-00431-JLT-HBK, and **SHALL** thereafter formally **CLOSE THAT CASE**.

(2) Pursuant to the parties' agreement, the lead case is **REMANDED** to the Superior Court for the County of Tulare.

IT IS SO ORDERED.

Dated: **March 26, 2025**


UNITED STATES DISTRICT JUDGE